

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. * Elevation in feet. (NGVD)	
				Existing	Modified
			200 feet downstream of confluence with Tributary 2.	None	*1,370
			200 feet downstream of confluence with South Fork of Indian Creek.	None	*1,375
			100 feet downstream of Indian Creek Drive.	None	*1,390
		South Fork of Indian Creek.	At corporate limits	None	*1,393
			At confluence with Indian Creek	None	*1,376
		Horse Creek	50 feet upstream of Indian Creek Drive ...	None	*1,391
			At western corporate limits	None	*1,416
			At confluence with Indian Creek	None	*1,348
			At upstream face of Summit Avenue	None	*1,360
		Tributary 1	At southern corporate limits	None	*1,374
			At confluence with Indian Creek	None	*1,342
			50 feet upstream of Central Avenue (U.S. Highway 67)—.	None	*1,361
		Tributary 2	100 feet upstream of Walcott Avenue	None	*1,374
			At downstream face of Austin Street	None	*1,394
			At confluence with Indian Creek	None	*1,371
			50 feet upstream of Central Avenue (U.S. Highway 67).	None	*1,381
		Tributary 3	100 feet upstream of State Highway 36 ...	None	*1,395
			1,000 feet upstream of FM 1689	None	*1,420
			At confluence with Indian Creek	None	*1,372
		Tributary 4	100 feet upstream of Indian Creek Drive .	None	*1,390
			At southern corporate limits	None	*1,428
			At confluence with Tributary 3	None	*1,420
		Tributary 5	At limit of study	None	*1,435
			At downstream face of State Highway 16	None	*1,351
			100 feet upstream of airport runway	None	*1,373
			At limit of study	None	*1,401

Maps are available for inspection at City Hall, City of Comanche, 114 West Central, Comanche, Texas.

Send comments to The Honorable Johnny Livingston, Mayor, City of Comanche, 114 West Central, Comanche, Texas 76442.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: March 13, 1995.

Richard T. Moore,

Associate Director for Mitigation.

[FR Doc. 95-6764 Filed 3-17-95; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192 and 195

[Docket No. PS-101A]

RIN 2137-AC 57

Mandatory Participation in Qualified One-Call Systems by Pipeline Operators

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to require that operators of onshore gas, hazardous liquid, and carbon dioxide

pipelines participate in qualified one-call systems as part of the required excavation damage prevention programs. The proposed rule would also limit the current exclusion of certain small gas systems from compliance with the damage prevention program requirements.

This notice is accompanied by a final rule (Docket No. PS-101), which addresses other requirements for excavation damage prevention programs and line markers. This notice and the final rule are intended to reduce excavation damage, the largest single cause of pipeline failures.

DATES: Interested persons are invited to submit written comments in duplicate by May 19, 1995. Late filed comments will be considered to the extent practicable. Interested persons should submit as part of their written comments all of the material that is considered relevant to any statement of fact or argument made.

ADDRESSES: Written comments must be submitted in duplicate and mailed or hand delivered to the Dockets Unit, Room 8421, U.S. Department of

Transportation, RSPA, 400 Seventh Street, SW., Washington, DC 20590-0001. Please identify the docket and notice numbers stated in the heading of this notice. All comments and materials cited in this document will be available for inspection and copying in Room 8421 between 8:30 a.m. and 4:30 p.m. each business day. Non-federal employee visitors are admitted to the DOT headquarters building through the southwest quadrant at Seventh and E Streets.

FOR FURTHER INFORMATION CONTACT:

Albert Garnett, (202) 366-2036, or Christina Sames, (202) 366-4561, regarding the content of this notice; or the Dockets Unit, (202) 366-5046, for copies of this document or other material in the docket.

SUPPLEMENTARY INFORMATION:

Related Document

RSPA has issued a final rule titled "Excavation Damage Prevention Programs for Gas and Hazardous Liquid and Carbon Dioxide Pipelines" (Docket No. PS-101). The final rule addresses

aspects of damage prevention programs that were proposed in a notice of proposed rulemaking (NPRM) titled "Natural Gas and Hazardous Liquid Pipeline Damage Prevention Program" (53 FR 24747; June 30, 1988). In particular, the final rule amends the pipeline safety regulations by (1) extending existing requirements governing excavation damage prevention programs for gas pipelines in urban areas to gas pipelines in rural areas; (2) establishing excavation damage prevention program requirements for hazardous liquid and carbon dioxide pipelines; (3) requiring, with limited exceptions, line markers for gas transmission lines in urban areas; and (4) permitting smaller lettering on line markers for hazardous liquid and carbon dioxide pipelines in heavily developed urban areas.

This NPRM proposes to amend §§ 192.614 and 195.442 of that final rule by requiring that operators of interstate and intrastate pipelines participate in qualified one-call systems. This NPRM further proposes less stringent standards for the participation of small entities, including operators of master meter systems (defined by 49 CFR 191.3), whose primary activity does not include the transportation of gas.

One-Call Systems

A one-call system is a communication system established individually or jointly by utilities, government agencies, or other operators of underground facilities to provide a single telephone number (other methods of communication are also used) for excavators and the general public to call to notify participating members of their intent to engage in excavation activities. Notices of intent to excavate are received by the operational center and are transmitted to the operators of underground pipeline facilities and other underground facilities that participate in the system. Upon receipt of notices of intended excavation activities, participating operators that have underground facilities in that vicinity arrange for the timely identification and the temporary marking of their underground facilities. Underground operators may inspect the site during the excavation activities to insure the safety of their underground facilities.

National One-Call Campaign

Presently, there are 74 one-call systems in the United States operating in 48 states and the District of Columbia. Not all of the operating one-call systems meet the qualifications of a "one-call notification system," as

defined in 49 CFR 198.39. Two states and Puerto Rico are currently without a one-call system.

Approximately 45 states and the District of Columbia have damage prevention laws that, to a varying extent, govern the activities performed by excavators and persons locating and temporarily marking underground facilities. However, most of the existing state damage prevention programs do not meet all of the requirements of § 198.37, "State one-call damage prevention program."

To address the problem of incomplete national one-call coverage and the deficiencies in some of the existing one-call systems, RSPA has launched a national campaign to encourage states to adopt improved one-call notification systems. The national campaign will target states for concentrated outreach to assist these states in their efforts to upgrade their current one-call systems. The national campaign will also work with selected states currently without one-call legislation or where there is a need to strengthen the one-call legislation.

Notice of Proposed Rulemaking (Docket No. PS-101)

The issue of mandatory participation in one-call systems by pipeline operators was touched upon, but not proposed, in the NPRM titled "Natural Gas and Hazardous Liquid Pipeline Damage Prevention Program" (53 FR 24747; June 30, 1988). The NPRM requested comments on: (1) Whether RSPA should require pipeline operators to participate in a one-call system, even though other underground utilities are not required to participate; and (2) Whether RSPA should require mandatory participation where state or local law requires participation by other utilities.

Comments to the NPRM

Of the 43 comments received to question (1), 17 were in full or partial support and 26 were opposed. Among those in support, a state regulatory agency recommended that operators not be required to participate if the service available is insufficient for the operators' needs or unreasonably priced for the service rendered. A municipal utility, opposed to mandatory participation, stated that if an excavator must make more than one call, there is no true one-call system.

Thirty commenters to question (2) expressed full or partial support, and seven were opposed. Among those in support, a state regulatory agency said that requiring interstate operators to participate in one-call programs would

enhance public safety. A gas transmission company, opposed to mandatory participation, stated that until one-call systems are required to meet minimum requirements, gas pipeline operators should not be singled out for mandatory participation.

Commenters opposed to mandatory participation of pipeline operators in one-call systems based their opposition on the lack of required participation by all other operators of underground utilities and other facilities, the lack of required participation by all excavators, and the lack of required standards for the operation of one-call systems. However, RSPA finds it significant that none of the commenters expressed doubt about the effectiveness of the one-call system concept.

Presentation to Advisory Committees

On September 10 and 11, 1991, RSPA presented an issue paper titled "Mandatory Participation in Certain One-call Systems" to its two pipeline advisory committees, the Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee. The informal presentation was made to brief committee members on the topic of mandatory one-call participation. Although a formal vote was not taken, the advisory committees generally supported the idea of requiring pipeline operators to participate in a qualified one-call system.

After the briefing, members discussed various issues including the overlapping coverage of a few one-call systems. RSPA has researched this problem and has determined that overlapping coverage occurs in limited areas of about seven states. In these areas, pipeline operators with underground facilities would be required to participate in both one-call systems. RSPA, however, recognizes that excavators having to call two one-call systems or one-call systems having to transmit notifications of intent to excavate between themselves is confusing and burdensome and encourages the one-call systems or states where overlapping coverage occurs to resolve the issue.

Requests for Mandatory Participation and the Initiatives of Industry

Several sources have recommended that the Federal government require all operators of underground facilities mandatorily participate in one-call systems. The Transportation Research Board (TRB) of the National Research Council recommended that RSPA "require gas and liquids pipeline operators to join existing one-call

systems * * *'' (Special Report 219, "Pipelines and Public Safety"). TRB also recommended that one-call systems meet minimum standards set to provide the services pipeline operators need.

On August 3, 1994, various representatives from government and industry testified before the Senate Committee on Commerce, Science, and Transportation on the Comprehensive One-Call Notification Act of 1994. The National Transportation Safety Board recommended the passage of one-call legislation which would include requiring full participation by all organizations that operate buried facilities. Representatives for the Interstate Natural Gas Association of America and for the American Gas Association also encouraged the passage of one-call legislation which would include the requirement that all operators of underground facilities that are at risk of being struck by outside excavators participate in one-call systems. A representative for the Association of Oil Pipe Lines also supported one-call legislation that would include participation in one-call systems by excavators and by owners of underground facilities, including hazardous liquid pipelines regulated by RSPA.

The overwhelming support for mandatory one-call legislation from both government and industry representatives supports the need for the regulations proposed in this notice.

49 CFR Part 198

Pursuant to 49 U.S.C. 60114, DOT was mandated to require each state, as a condition to full grant-in-aid, to require intrastate pipeline operators to participate in one-call notification systems. RSPA implemented this mandate by publishing 49 CFR part 198, "Grants for Pipeline Safety Programs: State Adoption of One-Call Damage Prevention Program" (55 FR 38688; September 20, 1990).

Not all states have adopted one-call damage prevention programs that comply with part 198, nor are all states seeking to actively and effectively adopt them. Six states do not participate in the Federal pipeline safety grant program and thus do not come under part 198. In addition, because Federal law preempts state safety regulations of interstate pipelines, states with one-call damage prevention programs meeting part 198 requirements could have difficulty enforcing them against interstate pipelines. Thus, a need exists for a Federal rule mandating that all pipelines subject to parts 192 and 195 participate in qualified one-call systems.

Proposed Regulations

RSPA proposes to remove the option in §§ 192.614(a) and 195.442(a) that permits a pipeline operator to receive and record notification of planned excavation activities rather than to participate in a qualified one-call system covering the area where the operator's pipeline is located. Moreover, in response to the concerns expressed by commenters to the NPRM, RSPA proposes to require that pipeline operators only participate in qualified one-call systems. A one-call system would be considered qualified if the state has adopted a one-call damage prevention program under § 198.37. A one-call system would also be considered qualified if it is operated in accordance with § 198.39, provides a pipeline operator an opportunity similar to a voluntary participant to have a part in management responsibilities, and does not assess a participating pipeline operator a fee disproportionate to the costs of the one-call system's coverage of the operator's pipeline.

RSPA also proposes to extend the excavation damage prevention program requirements to petroleum gas systems subject to § 192.11 and to small gas systems whose primary activity includes the transportation of gas.

RSPA proposes to limit the current exemption for operators of gas systems, including operators of master meter systems, whose primary activity does not include the transportation of gas. However, the proposed regulations are sensitive to the minimum resources of these small operators. These operators would be exempted from the requirements to identify persons who normally engage in excavation activities in the area in which the pipeline is located, and to provide for actual notification of those identified persons on the damage prevention program's existence and purpose and on how to learn the location of underground pipelines before excavation activities begin. These small operators would also be exempted from the requirement that the damage prevention program be written. These operators would still be required to provide a means of receiving and recording notification of planned excavation activities; provide for actual notification of persons who give notice of their intent to excavate of the type of temporary marking to be provided and how to identify the markings; provide for temporary marking of buried pipelines in the area of excavation activity before, as far as practical, the activity begins; and provide for the inspection of the pipelines that the

operator has reason to believe could be damaged by excavation activities.

Under the current damage prevention program requirements, a pipeline operator may voluntarily perform any of the duties required by the damage prevention program through participation in a public service program, such as a one-call system. This voluntary participation is still acceptable to meet the requirements of the damage prevention program but such participation does not relieve the operator of responsibility for compliance with the damage prevention program.

Under the proposed regulation, pipeline operators in areas where one-call systems are not yet established, or where a qualified one-call system is not yet in place, would continue to receive and record the notification of planned excavation activities with their own personnel. However, operators would be required to join a qualified one-call system once it has been established.

Rulemaking Analyses

Executive Order 12866 and DOT Regulatory Policies and Procedures

This proposed rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not subject to review by the Office of Management and Budget. The notice is also not considered significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). A regulatory evaluation is available for review in this docket.

Executive Order 12612

The proposed rule has been analyzed in accordance with the principles and criteria in Executive Order 12612 ("Federalism"), and does not have sufficient federalism impacts to warrant the preparation of a federalism assessment.

Regulatory Flexibility Act

Based on the facts available, I certify that this proposal will not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification is subject to modification as a result of a review of comments received in response to this proposal.

Paperwork Reduction Act

The cumulative effect of this NPRM will be no additional increase in the current information collection burden requirements for gas pipeline operators and hazardous liquid and carbon dioxide operators.

List of Subjects**49 CFR Part 192**

Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, RSPA proposes to amend 49 CFR parts 192 and 195 to read as follows:

PART 192—[AMENDED]

1. The authority citation for part 192 is revised to read as follows:

Authority: 49 U.S.C. 5102, 60102, 60104, 60108, 60109, 60110, 60113, 60118; 49 CFR 1.53.

2. Section 192.614 would be amended by revising paragraph (a), by removing paragraph (c)(4), by redesignating paragraphs (b) and (c) as (c) and (d), by revising the introductory text of newly redesignated (c)(2), and by adding paragraphs (b) and (e) as follows:

§ 192.614 Damage Prevention Program.

(a) Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline shall carry out in accordance with this section a written program to prevent damage to that pipeline by excavation activities. For the purpose of this section, "excavation activities" include excavation, blasting, boring, tunneling, backfilling, the removal of above ground structures by either explosive or mechanical means, and other earth moving operations.

(b) An operator may comply with any of the requirements of paragraph (c) of this section through participation in a public service program, such as a one-call system, but such participation does not relieve the operator of responsibility for compliance with this section. However, an operator must perform the duties of paragraph (c)(3) of this section through participation in a one-call system, if that one-call system qualifies under either of the following:

(1) The state has adopted a one-call damage prevention program under § 198.37 of this chapter; or

(2) The one-call system—

(i) Is operated in accordance with § 198.39 of this chapter;

(ii) Provides a pipeline operator an opportunity similar to a voluntary participant to have a part in management responsibilities; and

(iii) Assesses a participating pipeline operator a fee that is not disproportionate to the costs of the one-call system's coverage of the operator's pipeline.

(c) * * *

(2) Provide for notification of the public in the vicinity of the pipeline and actual notification of the persons identified in paragraph (c)(1) of this section of the following as often as needed to make them aware of the damage prevention program: * * *

* * * * *

(e) Pipelines operated by persons (including operators of master meters) whose primary activity does not include the transportation of gas need not comply with the following:

(1) The requirement of paragraph (a) of this section that the damage prevention program be written; and

(2) The requirements of paragraphs (c)(1) and (c)(2) of this section.

PART 195—[AMENDED]

3. The authority citation for part 195 is revised to read as follows:

Authority: 49 U.S.C. 60102, 60104, 60108, 60109; 49 CFR 1.53.

4. Section 195.442 would be amended by revising paragraph (a), by redesignating paragraphs (b) and (c) as (c) and (d), by revising the introductory text of newly redesignated (c)(2), and adding paragraph (b) to read as follows:

§ 195.442 Damage Prevention Program.

(a) Except as provided in paragraph (d) of this section, each operator of a buried pipeline shall carry out in accordance with this section a written program to prevent damage to that pipeline by excavation activities. For the purpose of this section, "excavation activities" include excavation, blasting, boring, tunneling, backfilling, the removal of above ground structures by either explosive or mechanical means, and other earth moving operations.

(b) An operator may comply with any of the requirements of paragraph (c) of this section through participation in a public service program, such as a one-call system, but such participation does not relieve the operator of responsibility for compliance with this section. However, an operator must perform the duties of paragraph (c)(3) of this section through participation in a one-call system, if that one-call system qualifies under either of the following:

(1) The state has adopted a one-call damage prevention program under § 198.37 of this chapter; or

(2) The one-call system—

(i) Is operated in accordance with § 198.39 of this chapter;

(ii) Provides a pipeline operator an opportunity similar to a voluntary participant to have a part in management responsibilities; and

(iii) Assesses a participating pipeline operator a fee that is not

disproportionate to the costs of the one-call system's coverage of the operator's pipeline.

(c) * * *

(2) Provide for notification of the public in the vicinity of the pipeline and actual notification of persons identified in paragraph (c)(1) of this section of the following as often as needed to make them aware of the damage prevention program: * * *

* * * * *

Issued in Washington, D.C. on March 14, 1995.

George W. Tenley, Jr.,

Associate Administrator for Pipeline Safety.

[FR Doc. 95-6724 Filed 3-17-95; 8:45 am]

BILLING CODE 4910-60-P

National Highway Traffic Safety Administration**49 CFR Chapter V**

[Docket No. 95-16, Notice 01]

Meeting on Regulatory Reform

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of public meeting; request for comments.

SUMMARY: This notice announces a public meeting at which NHTSA will seek information from the public on regulatory reform actions the agency should take related to its motor vehicle regulations. This notice also invites written comments on the same subject.

DATES: Public meeting: The meeting will be held on March 29, 1995 at 1:00 p.m. Those wishing to make oral presentations at the meeting should contact Deborah Parker, at the address or telephone number listed below, by March 27, 1995.

Written comments: Written comments are due by April 7, 1995.

ADDRESSES: Public meeting: The public meeting will be held at the following location: Ramada Inn (near the Detroit Metro Airport), 8270 Wickham Road, Romulus, MI 48174.

Written comments: All written comments should be mailed to the Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 7th Street SW., Washington, DC 20590. Please refer to the docket number when submitting written comments.

FOR FURTHER INFORMATION CONTACT: Deborah Parker, Director, Special Projects Staff, NPS 01.1, NHTSA, 400 7th Street SW., Washington, DC 20590 (telephone 202-366-4931).